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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA



UNITED STATES OF AMERICA :

VS.

JAMES ANTHONY SAVAGE, also known	:	1:01 CR 362-1
as Mario J. Racanelli, John Racanelli, Mark	:	
Racanelli, Grandoni Egistot, Egisto Grandoni,	:	
Robert Toliano, M. John Delano, Greg Eric	:	
Masonotti, and Max Marrache	:	
MARGARET NATHALIE HANDSMAN,	:	1:01 CR 362-2
also known as Marnie Handsman, Margaret	:	SUPERSEDING
Racanelli, and Marnie Racanelli	:	

MOTION TO STRIKE PORTIONS OF THE INDICTMENT

NOW COMES the defendant, by and through counsel and respectfully moves this Honorable Court to enter an Order striking portions of the indictment. As grounds for said Motion the defendant respectfully submits the following:

1. Federal Rules of Criminal Procedure 7(c)(1) provides that, "[t]he indictment shall be a plain, concise and definite written statement of the essential facts constituting the offense charged." (portions deleted).
2. In the above captioned matter the indictment contains paragraphs that constitute mere surplusage and information not essential to providing notice to the defendant regarding the offenses for which he is charged.

WHEREFORE, pursuant to Rule 7(d) of the Federal Rules of Criminal Procedure the

defendant respectfully moves that this court strike paragraphs 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, said paragraphs being contained in Count Two of the indictment.

This the 19th day of February, 2002.

A handwritten signature in black ink, appearing to read 'Nils E. Gerber', written over a horizontal line.

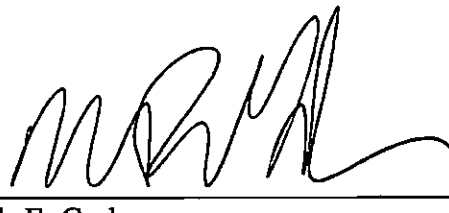
Nils E. Gerber
State Bar Number 17421
200 Brookstown Avenue, Suite 304
Winston-Salem, N.C. 27101
336-748-1400

CERTIFICATE OF SERVICE

This is to certify that the undersigned, on the 19th day of February, 2002 served the attached MOTION TO STRIKE PORTIONS OF THE INDICTMENT to the following person named below and by hand delivery:

Clifton Barrett
Assistant United States Attorney
Post Office Box 1858
Greensboro, N.C. 27402

This the 19th day of February, 2002.

A handwritten signature in black ink, appearing to read 'Nils E. Gerber', written over a horizontal line.

Nils E. Gerber
State Bar Number 17421
200 Brookstown Avenue, Suite 304
Winston-Salem, N.C. 27101
336-748-1400